

HB 479 with HCA 1 -- AGRICULTURAL DATA COLLECTION

SPONSOR: Houghton

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 8 to 4.

The bill specifies that any premises registration data, animal identification data, environmental data, or animal tracking data collected by any state agency from participants under the federal Animal Disease Traceability Program (ADTP) or any data collected for the purpose of animal health or environmental protection cannot be subject to the Open Records and Meetings Law, commonly known as the Sunshine Law.

Any unauthorized release of information regardless of the type or quantity of information released must be a violation of these provisions. Any entity or person alleging a violation may bring a civil action against a state agency in a court of competent jurisdiction. A court may order any appropriate relief including damages in an amount of up to \$10,000; payment of reasonable attorney fees, costs, expenses; and any other injunctive relief the court deems necessary and proper.

HCA 1: Specifies that the director of any state agency or the State Veterinarian within the Department of Agriculture must release information otherwise closed when the information is useful in controlling or preventing a disease outbreak, for public safety purposes, or to show particular animals or herds are not involved in a disease outbreak and does not allow the release of proprietary information

PROPONENTS: Supporters say that the Department of Agriculture collects the information, and holds the information. In case of a disease trace, that information is transmitted to the USDA. The ADTP is a national program intended to track and control or prevent outbreaks of diseases. There are mandatory notice provisions within the ADTP that requires neighbors or farms within a specified radius to be notified in writing if an animal has been found to have a disease.

Testifying for the bill were Representative Houghton; Chuck Massengill, Missouri Cattlemen's Association; Missouri Farm Bureau; and Karen Strange.

OPPONENTS: Those who oppose the bill say that this is a government program and as such should be open to public. Without public access to the records there is no public scrutiny or accountability.

Testifying against the bill were Missouri Alliance For Animal Legislation; James R Moody; ACLU of Missouri; and Brian Smith, Missouri Rural Crisis Center.

OTHERS: Others testifying on the bill say in the event of a disease outbreak the Department of Agriculture should release the information for safety purposes.

Testifying on the bill was Doug Crews, Missouri Press Association.